

The Second Division consisted of the regular members and in addition Referee Robert A. Pranden when award was rendered.

Parties to Dispute: { System Federation No. 2, Railway Employees'
Department, A. F. of L. - C. I. O.
(Garmen)
Missouri Pacific Railroad Company

Dispute: Claim of Employee:

1. That the Missouri Pacific Railroad Company violated the controlling agreement, particularly Rule 120, as amended November 1, 1974, when they arbitrarily assigned wrecking work contracted to carmen on the Missouri Pacific Railroad Company to carmen on the Houston Belt and Terminal Railroad Company, February 15, 1976, Settegast Yard, Houston, Texas.
2. That, accordingly, the Missouri Pacific Railroad Company be ordered to compensate Carmen J. Culley in the amount of four (4) hour call for February 15, 1976, as he was available to perform this work.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The facts and issues in this dispute are substantially similar to those presented in Award No. 7685. Therefore, in accordance with the findings in Award No. 7685 this claim will be denied.

A W A R D

Claim denied.

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Award No. 7686
Docket No. 7583-T
2-MP-CM-'78

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Bresch - Administrative Assistant

Dated at Chicago, Illinois, this 17th day of October, 1978.